

RRM

Automotive Operations  
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Rockwell  
International

February 14, 1994

REC'D

IDEM/DE  
FEB 18 1994

**CERTIFIED MAIL**

Ms. Rosemary Kantwell  
Office of Enforcement  
Hazardous Waste Section  
Indiana Department of  
Environmental Management  
Indiana Government Center North Building  
100 N. Senate Avenue  
Indianapolis, IN 46204

Re: **Violation Letter VL-11773 - Hazardous Waste Management**  
**Amland Facility - Mishawaka, Indiana**

Dear Ms. Kantwell:

This is in response to your letter dated January 10, 1994 which was received by Rockwell International on January 14, 1994. Per discussions between Rick Milton of your office and Jacqueline A. Simmons of Ice Miller Donadio & Ryan, the following response is being provided, despite the fact that we believe these same issues have already been addressed in several meetings and correspondence between the parties.

As Ms. Simmons informed you, it continues to be our position that RCRA is not applicable to this facility because it is not an "existing facility" as defined in the statute and the regulations. Therefore, we believe that the violations set forth in your letter of January 10, 1994 are not applicable.

However, as we agreed to in our meeting of October 26, 1993 with the Indiana Department of Environmental Management (IDEM), there are some technical issues raised in your **Notice of Violation** which we agreed should be appropriately addressed. On November 5, 1993, we submitted to IDEM the enclosed Mishawaka Site - Technical Response Memorandum which responds to technical issues which were identified during our meeting. Our groundwater consultant, Geraghty & Miller, is in the process of developing the sampling and analysis plan referred to in the technical memorandum. We believe that this Technical Memorandum fully responds to each and every violation outlined in your letter of January 10, 1994 which are even plausibly applicable to this site. However, so that there is no misunderstanding as to our position with regard to each of the items addressed in your Notice of Violation letter, we are providing the following specific response. The number referred to below are consistent with your January 10, 1994 letter.

1. Post closure care for each hazardous waste management unit - -- It is our position that the RCRA post closure care requirements cited are not applicable to this facility because it is not a RCRA regulated facility. Instead, we believe that the post-closure care plan approved by IDEM and followed since that date is the applicable document. In addition to the procedures set forth in that post-closure care document, we are willing to institute the items set forth in the Technical Memorandum dated November 5, 1993.

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1. (sic) Maintain the groundwater monitoring system - - It is our position that we have maintained the groundwater monitoring system and that any changes which need to be addressed will be set forth in the sampling and analysis plan currently being prepared by Geraghty & Miller.,

2. Obtain groundwater samples consistent with current EPA practices - - We believe that item number 2 and the sub-parts will be addressed by the sampling and analysis plan to be prepared by Geraghty & Miller.

2. (sic) 40 C.F.R. 265.93(f)- Although we believe that the RCRA requirements cited are not applicable, we agree that from a technical standpoint an annual statistical analysis of the data is appropriate. As proposed in the November 5, 1993 Technical Memorandum, we will complete annually statistical analysis of the data with a procedure that utilizes the data generated during the previous four quarters of sampling.

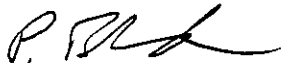
3. 40 C.F.R. 265.118(d)(3) - It is our position that the cited RCRA regulation is not applicable and that amendment of the post-closure plan is not a modification according to the RCRA regulations.

In addition to the paragraph numbers which are alleged violations, your January 10, 1994 letter includes a number of items to be completed. It appears that those items are merely duplicative of the alleged violations listed above. However, to reiterate our position, we are willing to undertake those items listed in the November 5, 1993 Mishawaka Site - Technical Response Memorandum. We have previously provided to IDEM a proposed Agreed Order (on or about December 15, 1993) as the possible mechanism for entering into an agreement as to the items to be accomplished under the Technical Memorandum. You will note that the Agreed Order delivered to IDEM in December 1993 covers these same items and includes both Chrysler Corporation and Rockwell International as respondents.

If you have any additional questions, please do not hesitate to contact me.

Sincerely yours,

AUTOMOTIVE,  
ROCKWELL INTERNATIONAL CORPORATION



Phil Backlund  
Director Facilities Administration

PB/js

*Enclosure:*

cc: Richard R. Milton/IDEM  
David Wersan/IDEM  
Greg Romaine/IDEM  
Lynn Buhl/Chrysler  
Pat Mydlarz/Chrysler  
J. A. Simmons/Ice, Miller, Donadio & Ryan  
R.K. Beck/Rockwell Pitts

## **MISHAWAKA SITE - TECHNICAL RESPONSE**

Chrysler and Rockwell agree to modify our post-closure activities as follows:

- Prepare a comprehensive Sampling and Analysis Plan.

This will satisfy a major concern of the IDEM, and correct the deficiencies identified by Bob Martin in his field inspection on September 16, 1993.

- Complete annually statistical analysis of the data with a procedure that utilizes the data generated during the previous four (4) quarters of sampling.
- Complete annually, for one set of data per year, a groundwater flow map using elevation data from all post-closure shallow wells, plus Wells 8B, 11A and 100 or alternates if these are no longer usable.
- Install a new shallow well mid-way between 2A and 3A along the southern boundary of the closed basin, in order to provide a third down gradient well immediately adjacent to the basin which will be designated 93A.
- On a quarterly basis, sample the following shallow wells; 12A, 13A, 2A, 3A, 93A, 5A and 20B. Well 5A is included to measure the westward migration of the contaminant toward the residential properties.

On a quarterly basis, sample the following deep wells: 1D, 3D and TWC. Well TWC is included to detect migration toward the Fish Hatchery supply wells.

Wells 6A, 7A and 17A will no longer be included in the post closure monitoring activity.

- All well samples will be analyzed for total chromium for the remainder of the 30-year post closure period.
- Wells 12A, 2A, 3A and 93A will be analyzed for Volatile Organic Compounds (VOC) for four (4) consecutive quarters. It is understood the exceedences of MCL's that are not attributable to the basin will not trigger a source investigation by the Companies.

If groundwater monitoring data indicates a failure of the remedy, it is recognized that the Companies have a responsibility to initiate a response action.

November 5, 1993

